

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	10-CR-181-EFS
)	
vs.)	
)	Preliminary Order of
TYSON A. SCHOTT,)	Forfeiture
)	
Defendant.)	

Before the Court, without oral argument, is the United States Attorney's Office's (USAO) Motion for Preliminary Order of Forfeiture (ECF No. [21](#)) and related Motion to Expedite (ECF No. [22](#)). Whereas, Defendant has stipulated, pursuant to the Plea Agreement previously filed herein, to the Criminal Forfeiture of assets involved in and connected to unlawful activity, specifically Defendant's guilty plea and conviction of one or more offenses committed in violation of Title 18 U.S.C. § 371 and Title 31 U.S.C. § 5324, *see Amended Information, Ct. Rec. 6, and Plea Agreement, Ct. Rec. 10*;

Whereas, based on Defendant's conviction and the foregoing statutes, the Defendant shall forfeit to the United States of

1 America all property, real or personal, involved in the convicted
2 offenses, and any property traceable to such property;

3 Whereas, the United States is also entitled to forfeiture of
4 substitute property pursuant to 21 U.S.C. § 853, as incorporated by
5 31 U.S.C. § 5317(c) and/or by 28 U.S.C. § 2461(c);

6 Whereas, subject to the limitations set forth in Paragraph 10
7 of the parties' Plea Agreement, the Defendant and United States
8 agree that the property to be forfeited under this agreement
9 includes those assets that have been seized, have been stipulated
10 to be forfeited, and/or have been identified as substitute property
11 to be forfeited. *See Paragraph 10, Ct. Rec. #10.*

12 **THEREFORE AND BASED UPON** the Defendant's plea of guilty and
13 upon the stipulations, admissions and other terms in the parties'
14 Plea Agreement previously filed herein, and upon the Defendant's
15 plea colloquy and the Court's finding that there is a reasonable
16 and substantial nexus between the property identified below and the
17 offense(s) to which the Defendant has pled guilty, **IT IS HEREBY**
18 **ORDERED:** Motion for Preliminary Order of Forfeiture (**ECF No. [21](#)**)
19 and related Motion to Expedite (**ECF No. [22](#)**) are **GRANTED**.

20 The following property is forfeited to the United States
21 pursuant to 31 U.S.C. § 5317 and/or 28 U.S.C. §2461(c):

22 Pursuant to Defendant's plea agreement, the United States is
23 no longer seeking forfeiture of the \$21,857.00 U.S. funds from
24 retirement account #: XXX-XX2420 held in the name of Tyson Schott,
25 seized pursuant to a federal seizure warrant on or about August 30,
26 2010, by the Federal Bureau of Investigation, from TD Ameritrade,
27 in Omaha, Nebraska. The United States and Defendant agree that
28 these funds will be returned to Defendant.

I. MONEY JUDGMENT

9) A sum of money equal to \$330,129.00 in United States currency, which represents Defendant's portion of the \$1,306,455.69 of the full forfeiture judgment agreed to in Co-Defendant Dickson's and this Defendant's plea agreements, and which represents the amount of Defendant's property involved in the offense(s) and/or property traceable thereto. Defendant Schott will be held jointly and several liability with Co-Conspirator, CRAIG A. DICKSON on this \$330,129 portion of the full \$1,306,455.69 proposed by the parties.

The United States may take steps to collect the judgment from any property of the Defendant and in accordance with the substitute asset provisions of 21 U.S.C. § 853(p), as incorporated by 31 U.S.C. § 5317, including specifically the following property or assets:

II. SUBSTITUTE ASSETS**CONVEYANCES**

10) 2009 23' Cobalt Boat, Model 232, HIN: FGE3W014A909, Idaho License Number: ID5746AR and 2009 Metal Craft 24' Boat Trailer, VIN: 1FWE024249A036732, Washington License Number: 7288V7, seized in Coeur d'Alene, Idaho, pursuant to a federal seizure warrant on or about August 31, 2010, by the Federal Bureau of Investigation;

U.S. CURRENCY

11) \$281,000.00 U.S. Currency, seized pursuant to a federal search warrant on or about August 31, 2010, by the Federal Bureau of Investigation, from Tyson Schott, in Spokane, Washington;

12) \$4,494.00 U.S. Currency, seized on or about August 31, 2010, by the Federal Bureau of Investigation, from Tyson Schott, at Dickson Iron & Metals, in Spokane, Washington;

IT IS FURTHER ORDERED that the United States Marshals Service shall seize the above-described properties and shall maintain such seized properties in its custody and control until further order of this Court;

1 **IT IS FURTHER ORDERED** that pursuant to 21 U.S.C. § 853(n), as
2 incorporated by 31 U.S.C. § 5317, the United States shall publish
3 notice of the preliminary order of forfeiture. The notice shall be
4 posted on an official website of the United States Government for
5 at least thirty days and shall state that any person, other than
6 Defendant, claiming a legal interest in the property shall file a
7 petition with this Court within sixty days of the first date of
8 publication, or within thirty-five days of receipt of actual
9 notice, whichever is earlier. The notice shall advise interested
10 persons that the petition shall (1) be for a hearing to adjudicate
11 the validity of the petitioner's claimed interest in the property;
12 (2) be signed by the petitioner under penalty; (3) set forth the
13 nature and extent of the petitioner's claimed right, title, or
14 interest in the property. The petition shall also set forth any
15 additional facts supporting the petitioner's claim. The United
16 States shall also provide direct written notice of this preliminary
17 order of forfeiture to any person known to have alleged an interest
18 in the property subject to forfeiture.

19 The Court finds that Defendant had an interest in the
20 forfeited properties, based upon Defendant's plea of guilty, and
21 the stipulations, admissions and information in Defendant's and his
22 Co-defendant Dickson's Plea Agreements. Therefore, this
23 preliminary order of forfeiture shall become final as to Defendant
24 at the time of the imposition of sentence, and shall be made part
25 of the sentence and included in the judgment, all pursuant to Fed.
26 R. Crim. P. 32.2(b)(4).

27 Following the Court's disposition of all timely petitions
28 filed, a final order of forfeiture shall be entered. If no third

1 party files a timely petition, this order shall become the final
2 order and judgment of forfeiture, as provided by Fed. R. Crim. P.
3 32.2(c)(2), and the United States shall have clear title to the
4 property, and shall dispose of the property according to law.

5 The Court shall retain jurisdiction to enforce this Order, and
6 to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e).

7 DATED this 18th day of March, 2011.

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10 s/Edward F. Shea
EDWARD F. SHEA
United States District Judge
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